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*Attorneys for Defendant Big Lot Stores, Inc.*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

JOHN PAPPAS,

Plaintiff,

v.

BIG LOT STORES, INC., an Ohio  
corporation,

Defendant.

Case No. 3:20-cv-00743

**NOTICE OF REMOVAL**

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendant Big Lot Stores, Inc. ("BLSI") hereby removes the case now pending in the Circuit Court of the State of Oregon for the County of Multnomah, titled *John Pappas v. Big Lot Stores, Inc., an Ohio corporation*, Case No. 20CV14615.

As grounds for removal, BLSI states as follows:

### **NOTICE OF REMOVAL IS TIMELY**

(1) On or about April 3, 2020, Plaintiff filed a Complaint in the above-referenced action in Multnomah County Circuit Court. Pursuant to 28 U.S.C. § 1446(a), attached to this Notice are the state court papers BLSI received from Plaintiff at the time of removal, consisting of Plaintiff's Summons and Complaint. (Exhibit 1).

(2) This notice of removal is timely filed under 28 U.S.C. § 1446(b), which provides that a notice of removal must be filed within 30 days after defendant receives, by service or otherwise, the initial pleading. BLSI was served with a copy of Plaintiff's Summons and Complaint on April 6, 2020. (Exhibit 1). Therefore, this removal is timely.

(3) No further proceedings have been had in the Multnomah County Circuit Court as of the date of this removal.

(4) No previous request has been made for the relief requested.

### **DIVERSITY JURISDICTION EXISTS**

(5) This is a civil action over which this court has original jurisdiction based on diversity of citizenship pursuant to 28 U.S.C. § 1332, which provides, in relevant part, that district courts have original jurisdiction over actions where the matter in controversy exceeds \$75,000, exclusive of interest and costs, and where the action is between citizens of different states.

(6) Complete diversity exists between the parties to the above-captioned lawsuit.

(7) On information and belief, Plaintiff is a resident of Oregon.

(8) BLSI is an Ohio corporation, with its principal place of business in Ohio.

(9) The total amount at stake in this lawsuit meets the threshold for diversity jurisdiction. Plaintiff's Complaint seeks \$730,814.36 in damages. Therefore, the monetary requirement for diversity jurisdiction, as set forth under 28 U.S.C. § 1332, is satisfied.

**REMOVAL TO THIS DISTRICT IS PROPER**

(10) Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, removal of the above-captioned state court action to this court is appropriate.

(11) Pursuant to 28 U.S.C. § 1441(a), removal to this court is appropriate as the district and division embracing the place where the state court action is pending.

(12) BLSI will promptly serve Plaintiff with this Notice of Removal, informing Plaintiff that this matter has been removed to federal court. BLSI will also promptly file a copy of this Notice of Removal with the Circuit Court of Multnomah County, Oregon, where the action is pending.

DATED: May 5, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that, on this date, I filed the foregoing NOTICE OF REMOVAL via the U.S. District Court's CM/ECF Electronic Filing System.

I further certify that a copy thereof was served on the parties listed below by e-mail to their last known e-mail address as follows:

Emery Wang  
Vames & Wang  
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Attorneys for Plaintiff

DATED: May 5, 2020.

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